REMARKS/ARGUMENTS

The claims have been divided into Groups as follows:

Group I: Claims 1-5, drawn to a diluent and method for using a diluent wherein the diluent comprises an alkaline buffer, an animal globulin, surfactant and soluble polymer; and

Group II: Claims 6-9, drawn to a reagent comprising anti-virus antibody.

Applicants elect, with traverse, Group I, Claims 1-5 (drawn to a diluent and method for using a diluent wherein the diluent comprises an alkaline buffer, an animal globulin, surfactant and soluble polymer), for examination.

Applicants respectfully submit that the above-identified application is a U.S. National application filed under 35 U.S.C. 371. Accordingly, MPEP § 1893.03(d) states:

> "Examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371."

Applicants respectfully submit that Rule 13.1 under Unity of Invention indicates that the inclusion of more than one invention in one international application is permitted if all inventions are so linked as to form a single general inventive concept.

Applicants respectfully point out that both Groups I and II share a common character in that they both incorporate a diluent comprising an alkaline buffer, a surfactant, a polymer and an animal globulin. It should be noted that it appears that *Tobias* does not teach a diluent comprising a surfactant and a polymer. Therefore all of claims 1-9 share the common inventive improvement of the diluent (notably the surfactant and polymer elements), as presently described in claims 1-5.

Additionally, Annex B of the Administrative Instructions under the PCT at (b) Technical Relationship states:

> "The expression "special technical features" is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the

> inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any)."

Applicants respectfully submit that the Examiner has not provided sufficient indication that the contents of the claims *interpreted in light of the description* was considered in making the assertion that the groups are distinct. Moreover, lack of unity has not been established and therefore the burden necessary to support an assertion of lack of unity has not been met.

Moreover, Applicants respectfully submit that the groups are actually related as described above and that MPEP §806.05(j) applies.

The MPEP (§806.05(j)) states that related product inventions are distinct if:

> "(A) the inventions *as claimed* do not overlap in scope, i.e., are mutually exclusive;
> (B) the inventions *as claimed* are not obvious variants; and
> (C) the inventions *as claimed* are either not capable of use together or can have a materially different design, mode of operation, function, or effect."

Applicants respectfully submit that the Office has not demonstrated any of the indications of distinctness (A), (B) or (C) listed in MPEP (§806.05(j)).

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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